

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FILING UNDER 35 U.S.C. § 371

In re Patent Application of:

John Fuller

Application No.: 10/566,114

Filed: January 24, 2006

For: HYDRAULIC VARIATOR
CONTROL ARRANGEMENT

)
)
)
) Examiner: Not Yet Assigned

)
) Art Unit: Not Yet Assigned
)
)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Dear Sir:

This is a petition to withdraw the holding of abandonment pursuant to a Notice of Abandonment dated March 12, 2007. Applicant believes the Notice of Abandonment was mailed in error according to the facts listed below and the attached documents.

1. Applicant filed the above-referenced National Phase application on January 24, 2006, and received the return receipt postcard from the U.S. Patent Office on February 9, 2006, stamped with the serial number and dated January 24, 2006 (copy attached hereto as Exhibit A).

2. Applicant has made a diligent search of the file jacket and docketing systems, and there is no record of receiving any other papers from the U.S. Patent Office

subsequent to the return receipt postcard, and did not receive the pertinent Notification of Missing Requirements.

3. Applicant then received a Notice of Abandonment for Serial No. 10/566,114 which was mailed from the U.S. Patent Office on March 12, 2007. The Notice indicated that Serial No. 10/566,114 was abandoned for failure to respond to the Notification of Missing Requirements in a timely manner.

4. Applicant has attached hereto as Exhibit B a copy of the docketing program record for this matter, which shows that no documents were received from the U.S. Patent Office between the time of filing the application and the receipt of the Notice of Abandonment.

5. As the application was filed under National Phase status, Applicant is unable to access and view the application record under PAIR, and is therefore unable to procure a replacement copy of the Notification of Missing Requirements. Applicant has prepared and enclosed herewith a Response to Notification of Missing Requirements including the Declaration and Power of Attorney for this matter, and asks that the response be filed in lieu of receipt of the Notification of Missing Requirements. Applicant hereby authorizes charging Deposit Account 02-2666 in the amount of \$130.00 as payment for the late filing surcharge pursuant to 37 C.F.R. § 1.16(e), and any other fees required with respect thereto.

Applicant petitions the U.S. Patent Office to rescind the Notice of Abandonment based on non-receipt of the Notification of Missing Requirements. Applicant believes the Notice of Abandonment was sent in error and respectfully petitions that this notice be rescinded and that confirmation of the rescindment be mailed to Applicant.

Applicant also requests that the Response to Notification of Missing Requirements be filed, and confirmation in the form of a Filing Receipt and Notice of Acceptance of Application be mailed to Applicant, and that prosecution of this application be allowed to go forward.

Applicant hereby authorizes charging Deposit Account 02-2666 for petition fees required under Rule §1.182, and any other fees required for the petitions named herein.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 16, 2007

Stephen M. De Klerk
Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

Exhibit A

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FEB 09 2006

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

3706

10/566114

Int'l App. No. PCT/GB2004/002500 Int'l Filing Date: 15 Jun 2004
US App. No. _____ US Filing Date: _____
Date Mailed 24 Jan 2006 Docket Due Date(s): _____ Foreign Assoc. No. RJB/JH P470026US
Client TOROTRAK (DEVELOPMENT) LIMITED Atty/Sec: SMD/jh
Title HYDRAULIC VARIATOR CONTROL ARRANGEMENT

Inventor(s) Fuller

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|---|---|
| <input type="radio"/> Abstract | <input type="radio"/> PCT Request (orig. & copy) |
| <input checked="" type="radio"/> Amendment: Preliminary (<u>7</u> pgs) | <input type="radio"/> Petition for Extension of Time: |
| <input checked="" type="radio"/> Application: <u>Utility</u> (32 pgs) | <input type="radio"/> Power of Attorney (pgs) (orig. & copies) |
| <input type="radio"/> Assignment & Cover Sheet (___ pgs) | <input type="radio"/> Priority Request |
| <input type="radio"/> Certificate of | <input type="radio"/> Response to Notice of Missing Parts |
| <input type="radio"/> Claims (pgs) | <input type="radio"/> Response to Written Opinion (pgs) |
| <input type="radio"/> Drawings: sheets, figures | <input checked="" type="radio"/> Transmittal Letter |
| <input checked="" type="radio"/> Express Mail EV 568647573 US | <input type="radio"/> Transmittal of Formal Drawings |
| <input type="radio"/> Fee Calculation Sheet (orig. & copy) | <input checked="" type="radio"/> Check No. <u>2705</u> in the Amount of <u>\$1,000.00</u> |
| <input checked="" type="radio"/> Information Disclosure Statement & PTO/SB/08 (3 pgs) | <input type="radio"/> Check No. _ in the Amount of |
| <input checked="" type="radio"/> Other | |

Copy of United Kingdom Search Report and PCT International Search Report and Written Opinion; copies of cited foreign art; return receipt postcard.

Assignee: Torotrak (Development) Ltd.
Foreign Associate's Name: W.P. Thompson & Co.

10/566114 Rec'd PCT/PTO 24 JAN 2006

Date 4/24/2006 Client: Torotrak (Development)
Docket Initials _____ 7101.P006
Dock. Sup. Initials _____
Atty Initials _____ SMD
Pat/Ser/Reg 566114

Description: 19
month deadline to file prior art disclosure and check related cases (based on filed US application).

9/2006 Anthony McAlister 514250

Date 10/24/2006 Client: Torotrak (Development)
Docket Initials _____ 7101.P006
Dock. Sup. Initials _____
Atty Initials _____ SMD
Pat/Ser/Reg 566114

Description: 21
3 months remaining to F/F deadline, if translations are required, deadline 12/24/2006

2/2006 Anthony McAlister 514252

Date 7/24/2006 Client: Torotrak (Development)
Docket Initials _____ 7101.P006
Dock. Sup. Initials _____
Atty Initials _____ SMD
Pat/Ser/Reg 566114

Description: 20
F/F letter

2/9/2006 Anthony McAlister 514251

Date 12/24/2006 Client: Torotrak (Development)
Docket Initials _____ 7101.P006
Dock. Sup. Initials _____
Atty Initials _____ SMD
Pat/Ser/Reg 566114

Description: 21r
1 month remaining to F/F deadline, if translations are required, documents must be sent to foreign associate today

2/9/2006 Anthony McAlister 514253

Exhibit B

Matter Home



Matter List



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Matter	Edit Services	
Title:	HYDRAULIC VARIATOR CONTROL ARRANGEMENT	File #: 7101P006
Type:	Utility - ORG	Country: United States of
Client:	Torotrak (Development) Limited	Client File #:
FIP ID:	337061	Publication Date:
Status:	Pending	Matter Entity Size: Large
Date Filed:	Jan 24, 2006	Issue Date:
Serial #:	10/566,114	Patent #:
Committee, Division or Group:		In-house filed:
Multiple Priority:		

Created by: FIPTECH , Dec 27, 2006 Hosted By: Blakely Sokoloff Taylor & Zafman LLP

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Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit
Matter Management		Open				Edit -- Add --
<i>Watch for first office action</i>		Open: Docket Items	Watch for first office action : 07/24/2007			Edit -- Add --
Petition To Revive or Withdraw Holding of Abandonment	Petition To Revive An Abandoned Application	Open: Docket Items	Petition Due : 05/12/2007			Edit -- Add --
Notice of Abandonment Received	Applicant has failed to respond to the notification of Missing Requirements (Form PCT/DO/EO/905) mailed on June 13, 2006 within the time period set therein.	Completed	Date Mailed : 03/12/2007	Date Received : 03/14/2007		Edit -- Add --
<i>3 month deadline to file prior art disclosure and check related cases (based on filed US application)</i>	3 month deadline to file prior art disclosure and check related cases (based on filed US application).	Completed	Date Done : 05/26/2006			Edit -- Add --
<i>F/E letter</i>		Completed	Date Done : 02/10/2006			Edit -- Add --
<i>1 month remaining to</i>						

<u>F/F deadline, if translations are required, documents must be sent to foreign a</u>	1 month remaining to F/F deadline, if translations are required, documents must be sent to foreign associate today	Completed	Date Done : 02/10/2006		Edit	-- Add --
<u>3 months remaining to F/F deadline, if translations are required, deadline is 12/24/2006</u>		Completed	Date Done : 02/10/2006		Edit	-- Add --
<u>F/F priority deadline (hard deadline is 1/24/2007)</u>		Completed	Date Done : 02/10/2006		Edit	-- Add --

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